

103D CONGRESS
1ST SESSION

S. 996

To require that educational organizations that offer educational programs to minors for a fee disclose certain information.

IN THE SENATE OF THE UNITED STATES

MAY 20 (legislative day, APRIL 19), 1993

Mr. METZENBAUM (for himself, Mr. DOLE, Mr. DODD, and Mr. REID) introduced the following bill; which was read twice and referred to the Committee on Labor and Human Resources

A BILL

To require that educational organizations that offer educational programs to minors for a fee disclose certain information.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. DEFINITIONS.**

4 As used in this Act:

5 (1) **DISABILITY.**—The term “disability” has the
6 same meaning given to such term by section 3(2) of
7 the Americans with Disabilities Act of 1990.

8 (2) **EDUCATIONAL ORGANIZATION.**—The term
9 “educational organization” means any organization

1 or entity that is engaged in the business of providing
2 educational programs to minors for a fee. Such term
3 does not include a local educational agency, an ele-
4 mentary school, a secondary school, an organization
5 sponsored by an elementary or secondary school, a
6 recreational organization, or a social club.

7 (3) ELEMENTARY SCHOOL.—The term “elemen-
8 tary school” has the same meaning given to such
9 term by section 1471(8) of the Elementary and Sec-
10 ondary Education Act of 1965.

11 (4) EDUCATIONAL PROGRAM.—The term “edu-
12 cational program” means a program, service, activity
13 or seminar which has as its primary function the
14 presentation of formal instruction, is offered away
15 from a student’s regular place of school attendance,
16 includes at least one supervised night away from
17 home, and is intended to enhance a student’s regular
18 course of study. Such term does not include a rec-
19 reational program, or a social or religious activity.

20 (5) LOCAL EDUCATIONAL AGENCY.—The term
21 “local educational agency” has the same meaning
22 given to such term by section 1471(12) of the Ele-
23 mentary and Secondary Education Act of 1965.

24 (6) MINOR.—The term “minor” means an indi-
25 vidual who has not attained the age of 18.

1 (7) PARENT.—The term “parent” includes a
2 legal guardian or other person standing in loco
3 parentis.

4 (8) SECONDARY SCHOOL.—The term “second-
5 ary school” has the same meaning given to such
6 term by section 1471(21) of the Elementary and
7 Secondary Education Act of 1965.

8 (9) MEMBERSHIP ORGANIZATION.—The term
9 “membership organization” includes any organiza-
10 tion that maintains a membership list or collects
11 dues or membership fees from its members.

12 (10) RECREATIONAL ORGANIZATION.—The
13 term “recreational organization” includes any orga-
14 nization or entity that has as its primary function
15 pleasure, amusement, or sports activities.

16 (11) RECREATIONAL PROGRAMS.—The term
17 “recreational programs” includes any activity or
18 service that is intended as an entertainment pastime.

19 **SEC. 2. DISCLOSURE REQUIREMENTS.**

20 Each educational organization, prior to accepting
21 funds for the cost of a minor’s participation in an edu-
22 cational program operated by such organization, shall dis-
23 close the following information in written form to the
24 minor or the minor’s parent:

1 (1) METHOD OF SOLICITATION AND SELEC-
2 TION.—The method of solicitation and selection of
3 participants in the educational program, including—

4 (A) the origin of any mailing list used for
5 such solicitation and selection;

6 (B) any recruitment through teacher or
7 school personnel, including any enticements of-
8 fered to such teacher or personnel for the rec-
9 ommendation of a minor for participation in the
10 educational program;

11 (C) any open enrollment activity, including
12 the method of outreach; and

13 (D) any cooperation with, or sponsorship
14 by, a membership organization, including a de-
15 scription of the cooperation or sponsorship and
16 the name of each such organization.

17 (2) COSTS AND FEES.—Information regarding
18 the cost of the educational program and information
19 regarding the distribution of any enrollment fee, in-
20 cluding—

21 (A) the amount paid for, and the percent-
22 age of the total educational program cost of,
23 each feature of the educational program, includ-
24 ing—

25 (i) food;

- 1 (ii) lodging;
- 2 (iii) transportation;
- 3 (iv) program staffing;
- 4 (v) textbooks, syllabi, or other scholas-
- 5 tic educational program materials;
- 6 (vi) speaker fees; and
- 7 (vii) administrative expenses, includ-
- 8 ing expenses related to—
- 9 (I) the preparation of non-scho-
- 10 lastic educational program materials;
- 11 (II) the provision of financial as-
- 12 sistance;
- 13 (III) mailing list rental or other
- 14 recruitment activity; and
- 15 (IV) administrative salaries and
- 16 consulting fees;
- 17 (B) the identity of the organization or
- 18 business providing each of the features de-
- 19 scribed in clauses (i) through (vii) of subpara-
- 20 graph (A); and
- 21 (C) the nature of any relationship of any
- 22 board member, officer, or employee of the edu-
- 23 cational organization to any organization or
- 24 business described in subparagraph (B), includ-
- 25 ing the salary or other compensation paid by

1 such organization or business to such Board
2 member, officer, or employee.

3 **SEC. 3. NONDISCRIMINATORY ENROLLMENT AND SERVICE**
4 **POLICY.**

5 (a) IN GENERAL.—Each educational organization
6 shall include a verifiable statement on all enrollment or
7 recruitment material that the educational organization
8 does not—

9 (1) fail or refuse to hire, or discharge, any indi-
10 vidual, or otherwise discriminate against any individ-
11 ual with respect to compensation, terms, conditions,
12 or privileges of employment; or

13 (2) exclude any student from participation in
14 an educational program, discriminate against any
15 student in providing the benefits associated with
16 such program (including any scholarship or financial
17 assistance, and use of any facility), or subject the
18 student to discrimination under such program,
19 on the basis of race, disability, or residence in a low-in-
20 come area.

21 (b) CONSTRUCTION.—Nothing in this section shall be
22 construed to entitle a student to—

23 (1) participation in an educational program or
24 any benefit associated with such program; or

1 (2) a waiver of any fee charged for such partici-
2 pation or benefit.

3 **SEC. 4. ENFORCEMENT.**

4 (a) IN GENERAL.—The Secretary of Education shall
5 monitor compliance with the provisions of this Act.

6 (b) CIVIL PENALTY.—If an educational organization
7 knowingly violates any provision of this Act, the Secretary
8 of Education, after notice and opportunity for hearing,
9 may impose on such organization a civil fine of not more
10 than \$1,000 for each such violation.

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